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DATE: July 21, 2004 **TIME:** 10:17 AM

TO: Wells, Lauren Q.
U.S.P.T.O. GAU 1617 **PHONE:** 571-272-0634
FAX: 703-872-9306

FROM: Dorene M. Price
Estée Lauder Companies **PHONE:** (631) 531-1194
FAX: (631) 531-1340

RE: Response to Non-final Office Action (S/N 09/838,649)

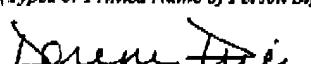
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Number of pages including cover sheet: 13**Message**

Please see the attached documents.

1. Certificate of Transmission
2. Amendment Transmittal
3. Amendment (7pp & 1.132 Declaration 3pp)

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Cioca et al.			Docket No. (2870/458) 99.25US
Application No. 09/838,649	Filing Date April 19, 2001	Examiner Wells, Lauren Q.	Group Art Unit 1617
Invention: Stable Antimicrobials in Structured Water			
<p>I hereby certify that this <u>Cert, Response (7 pp & 3 pp 1.132 Decl), Transmittal</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u></p> <p>on <u>July 21, 2004</u> (Date)</p> <p style="text-align: right;"><u>Dorene M. Price</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p>			
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AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Cioca et al.

Docket No.
(2870/458)
99-25US

Application No. 09/838,649	Filing Date 04/19/2001	Examiner Wells, Lauren Q.	Customer No.	Group Art Unit 1617	Confirmation No.
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Invention: Stable Antimicrobials in Structured Water

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	12 -	22 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	1 -	4 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable)		□			\$0.00
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	\$0.00

No additional fee is required for amendment.

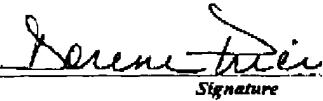
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Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.



Signature

Dated: July 21, 2004

Dorene M. Price (Reg. No. 43,018)
 Estee Lauder Companies
 125 Pinelawn Road
 Melville, NY 11747
 (631) 531-1194

I certify that this document and fee is being deposited on
 July 21, 2004 with the U.S. Postal Service as first
 class mail under 37 C.F.R. 1.8 and is addressed to the
 Commissioner for Patents, P.O. Box 1450, Alexandria, VA
 22313-1450, by fax to 703-872-9306.



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DORENE M. PRICE
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CC:

Attorney Docket No.: 99.25US (2870/458)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cioca, et al.

Serial No.: 09/838,649

Group Art Unit: 1617

Filed: April 19, 2001

Examiner: Wells, Lauren Q.

For: Stable Antimicrobials in Structured Water

RESPONSE PURSUANT TO 37 CFR 1.111 - Introductory Comments

The Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Office Action, of April 21, 2004, the Examiner maintains a rejection of the present claims for being obvious. The present invention is not, as asserted by the Examiner, a simple addition of silver to structured water; and further, as the electrostatic charges of the silver ion and any type of water may result in interactions between the two, these interactive forces do not necessarily render the silver ions being incorporated within the cluster structure of the structured water. This point is further elucidated by the difference between the starting water in the cited reference and the feed water in the present invention, and are demonstrated by the data submitted in Manzatu Declaration. In the Manzatu Declaration, it is shown that there is a difference between simply adding an ion to structured water and integrating the same ion within the cluster structure of structured water. This point and others as they relate to the obviousness rejection of the pending claims are discussed in further detail below in the Remarks section. Applicants request that the following amendments be entered and the following remarks be considered.